

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48861 of 2019

Arising Out of PS. Case No.-2488 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Kalyan Kumar, Son of Bharat Narayan Prasad, Resident of Mohalla-
Brahmapura, P.S.- Brahmapura, District- Muzaffarpur, at present Resident of
Quarter No.- 331-B, Kolkata Colony, Asuran Chauraha, Near Railway
Hospital, P.S. and Distt.- Gorakhpur, State- Uttar Pradesh. (U.P.).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Manisha Kumari, Wife of Kalyan Kumar, D/o- Om Prakash R/o- Mohalla-
Miskot, P.S.- Motihari Town, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner. Despite
service of notice on opposite party no.2, she has not entered
appearance.

The petitioner in this case is seeking anticipatory bail
in connection with Complaint Case No.2488 of 2018, Trial
No.2368 of 2019 registered for the offences punishable under
Section 498A of the Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act.

Learned counsel for the petitioner submits that from
the allegations made in the complaint petition itself it will
appear that those are totally absurd allegations made against the



petitioner that he was having illicit relationship with his aunt. It is submitted that a completely vague and flimsy allegations have been made against the petitioner. The aunt of the petitioner is a widow and she is in service of Railways and is living in the same house and that was not being liked by the complainant.

In the given facts and circumstances of the case where it appears that despite service of notice the opposite party no.2 has not chosen to oppose this application and further from the allegations made in the complaint petition there seems to be a case of incompatibility between the parties, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Sadar East Champaran, Motihari in connection with Complaint Case No.2488/18, Tr.No.2368/19, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any



person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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